



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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### **GROUNDWATER DISCHARGE PERMIT**

Applicant: **Millwood Realty Trust, 1020 Southern Artery, Quincy, MA 02169**

Date of Application: **November 13, 2015**

Application/Permit No.: **X267980/715-2**

Date of Issuance: **DRAFT**

Date of Expiration: **DRAFT**

Effective Date: **DRAFT**

### **AUTHORITY FOR ISSUANCE**

Pursuant to authority granted by Chapter 21, Sections 26-53 of the Massachusetts General Laws, as amended, MassDEP regulations at 314 CMR 5.10(9)(e), and the Department's Interim Policy entitled *Nutrient Loading Approach to Wastewater Permitting and Disposal* (August 20, 1999) the following permit is hereby issued to:

**Millwood Realty Trust, 1020 Southern Artery, Quincy, MA 02169**

(hereinafter called "the Permittee") authorizing discharges to the ground from the on-site wastewater treatment facility located at:

**Millwood Apartments I, II and III (a 198-bedroom apartment complex)  
off Haverhill Street and Dodge Road in Rowley, Massachusetts 01969**

such authorization being expressly conditional on compliance by the Permittee with all terms and conditions of the permit hereinafter set forth.

\_\_\_\_\_  
Kevin Brander, P.E., Section Chief  
Wastewater Management Program

\_\_\_\_\_  
Date

## I. SPECIAL CONDITIONS

The Permittee is authorized, pursuant to MassDEP regulations at 314 CMR 5.10(9)(e), and the Department's Interim Policy entitled *Nutrient Loading Approach to Wastewater Permitting and Disposal* and dated August 20, 1999 (the "NLA Policy"), to discharge treated effluent into the ground from existing subsurface sewage disposal systems (SSDSs). The SSDSs serve three apartment buildings, each comprised of 33 two-bedroom apartments, located on 17.0 acres. One SSDS serves Buildings 2 and 3 while Building 1 is served by three SSDSs.

### A. Treatment Facilities

1. The treatment process for each source of septic waste is identical to that typically regulated under 310 CMR 15.000, Title 5 of the State Environmental Code. Treatment includes primary settling in septic tanks, followed by aerobic filtration of tank supernatant as it passes through the in-situ, mixed-grain media of the soil absorption system (SAS). The system serving Buildings 2 and 3 includes a White Knight Microbial Inoculator Generator ("MIG"). The treatment provided includes septic tanks equipped with effluent tee filters. The location of each SSDS and the number of units served by each are indicated on the site plan provided with the initial permit application.

The method of treatment authorized by this permit does not have prescribed intermediary or end-of-pipe effluent limits. However, with the proper functioning of each component, such systems have been shown to regularly provide adequate removal and reduction of standard domestic-sourced, wastewater pollutants. Routine inspection and pumping of the septic tanks is critical to the proper functioning of each component, and to the overall efficiency of the SSDSs. Therefore, a maintenance and inspection program is required and is discussed in Section C below.

2. Discharge of the effluent shall not result in any demonstrable adverse impact on the groundwater or violate any water quality standard that has been promulgated.
3. The Permittee shall take necessary measures to prevent, minimize or mitigate the impact of any discharge of effluent to the surface. Discharge includes, but is not limited to, breakout from an SAS, overflow of a septic tank, breakage of conveyance lines, or any damage, misuse, or disrepair of an SSDS, including the building sewer line.
4. The proper maintenance and inspection of the SSDSs (to include collection systems, treatment systems and facility grounds), and the collection and analysis of groundwater samples collected from monitoring wells is required to protect public health and safety. The requirements for each are detailed below.

### B. Nutrient Loading

1. In accordance with the NLA Policy, the cumulative load of nitrogen discharged on the site from wastewater and other sources shall not exceed **1,150 pounds per year of nitrogen** for

the entire site. The permitted cumulative load is comprised of nitrogen derived from three sources. These sources and their associated nitrogen contributions are the following:

<b><u>Source</u></b>	<b><u>Nitrogen Contribution (lbs/year)</u></b>
Wastewater (99 apartments)	1, 103.00
Groundwater recharge	45.15
Lawn fertilizer	1.00
<b>TOTAL</b>	<b>1,149.15 lbs/year (rounded to 1,150 lbs/year)</b>

2. Several assumptions about land use and loading have been used to generate the maximum nutrient loading for this permit. These assumptions are based upon the use of the SSDS serving the apartments and groundwater recharge due to precipitation. Additionally, the Permittee has indicated that fertilizers with maximum total nitrogen content of 4 pounds are applied to the lawns at this facility on a yearly basis.

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|--------------------|--|
| <b>Wastewater:</b> | <ul style="list-style-type: none"> <li>• Title 5 systems – 35 mg/l NO<sub>3</sub></li> <li>• Total wastewater flow – 10,360 gpd</li> </ul>   |
| <b>Recharge:</b>   | <ul style="list-style-type: none"> <li>• Runoff recharge – 1.5 mg/l NO<sub>3</sub></li> <li>• Precipitation recharge – 0.05 mg/l NO<sub>3</sub></li> <li>• Surface water/wetland recharge – 0.3 mg/l NO<sub>3</sub></li> </ul> |
| <b>Lawns:</b>      | <ul style="list-style-type: none"> <li>• 4 lbs/year x 25% leachability factor</li> </ul>   |

Adherence to these planning assumptions is necessary to maintain compliance with the cumulative loading limitation of 1,150 pounds per year nitrogen.

### **C. Monitoring Requirements**

The Permittee shall continue to monitor and record the quantity of water use at the facility, shall visually inspect the existing SSDSs, shall have formal inspections of each SSDS, and shall have monitoring wells samples professionally tested in accordance with the requirements of this permit.

#### **1. Water Use Monitoring**

The water meter readings from the facility shall be collected and reported to the Department consistent with the Reporting Requirements discussed in Section D, paragraph 2(b) below. Flow meters at centralized wastewater collection points may be substituted for comprehensive water metering.

#### **2. Septic Tank Pumping and General Visual Inspection**

The Permittee shall contract to have any and all solids and sludge generated by the treatment system for which this permit is issued removed off site by a properly licensed waste hauler for disposal at a permitted municipal wastewater treatment plant. The name and license number of the hauler, the quantity of wastes removed, and the date(s) of removal, shall be reported by the Permittee, in writing to the Department, with the quarterly monitoring reports. The Permittee shall maintain and report on a regular cycle of septic tank pumping, at an interval no longer than 3 years between pump-out of each tank. The first pumping shall occur on or before three years from the effective date of this permit and at least once every three years thereafter. In addition and in accordance with 310 CMR 15.351, the condition of the septic tanks shall be noted on the inspection forms that are submitted to the Department.

### 3. Formal Inspection of Subsurface Septic Disposal Systems (SSDS)

The Permittee shall continue having the SSDSs formally inspected at least once every three years by a Certified Title 5 System Inspector. Additionally, a formal inspection of any individual SSDS shall be conducted if and when a system is shown to be in failure as defined by Title 5. In the event of a system failure, design and construction of replacement SSDS shall be performed in compliance with 310 CMR 15.000, Title 5, and reviewed and approved by the Department.

### 4. Groundwater Monitoring

Within 90 days of the effective date of this permit, a surveyed site plan depicting the monitoring wells MW-U (UG), MW-A (DG), MW-B (DG), MW-C (DG) and MW-D (DG), in reference to building locations, shall be submitted to MassDEP. The surveyed site plan shall denote top-of-casing elevations for all monitoring wells.

The Permittee shall sample the monitoring wells MW-U (UG), MW-A (DG), MW-B (DG), MW-C (DG) and MW-D (DG) as shown on the approved plan entitled “**Monitoring Well Plan, Millwood Apartments, Rowley, Massachusetts**”, prepared by Capital Environmental Engineering, and dated July 10, 2001.

The Permittee shall monitor, record and report the quality of water in the monitoring wells according to the following schedules:

#### Distinct Samples from all Wells

<u>Parameter</u>	<u>Testing Frequency</u>
Static Water Level*	Quarterly
pH	Quarterly
Specific conductance	Quarterly
Nitrate-nitrogen	Annually (during the summer)
Total nitrogen (NO <sub>2</sub> + NO <sub>3</sub> + TKN)	Annually (during the summer)
Total phosphorus**	Annually (during the summer)

Orthophosphate\*\*  
Volatile Organic Compounds  
(USEPA Method No. 624)

Annually (during the summer)  
Annually

\* Static Water Level shall be expressed as an elevation and shall be referenced to the surveyed datum established for the site. It shall be calculated by subtracting the depth to the water table from the surveyed elevation of the top of the monitoring well's PVC well casing/riser.

\*\* The Department reserves the right to resume more frequent monitoring if the Department determines that phosphorus levels are impacting downgradient receptors.

#### Composite Samples of Down Gradient wells and Individual Sample of Upgradient Well

##### Parameter

##### Testing Frequency

Nitrate-nitrogen	Quarterly
Total nitrogen (NO <sub>2</sub> + NO <sub>3</sub> + TKN)	Quarterly
Total phosphorus**	Annually
Orthophosphate**	Annually

\*\* The Department reserves the right to resume more frequent monitoring if the Department determines that phosphorus levels are impacting downgradient receptors.

## **D. Reporting Requirements**

### **1. Quarterly Reporting Requirements**

The Permittee shall submit tank pumping reports, results of any formal inspections conducted, monitoring well testing results, and data related to loading limitations in summary form on a quarterly basis, properly filed and signed, on the fifteenth day of the month following the last day of the quarter to:

Deputy Regional Director  
Bureau of Water Resources  
Department of Environmental Protection  
Northeast Regional Office  
205B Lowell Street  
Wilmington, Massachusetts 01887

and

Program Director  
Wastewater Management Program  
Department of Environmental Protection  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

and

Board of Health  
P.O. Box 783  
Rowley, Massachusetts 01969.

Septic tank pumping reports shall be included in the first quarterly report following the date of pumping. These reports shall be accompanied by receipt by a certified septage hauler. The monitoring well reports shall be prepared and under the direction of a certified laboratory, or a Professional Engineer registered by the Commonwealth of Massachusetts and submitted in the first quarterly report following the sampling and monitoring.

## 2. Annual Reporting Requirements

The Permittee shall submit an annual report describing the cumulative loadings achieved as compared to the cumulative loading limit of 1,150 pounds to the Department for review. The annual report shall contain the following information:

- (a) A summation and discussion about the individual nutrient sources and how cumulatively they compare with the permit limit of 1,150 pounds per year.
- (b) Metered water use for the apartments. Flow meters at centralized wastewater collection points may be substituted for comprehensive water metering.
- (c) All monitoring well data must be compiled in accordance with Section C, paragraph 4 above.
- (d) The annual report shall be certified as valid and stamped by a professional engineer registered in the Commonwealth of Massachusetts. The report shall contain a certification statement signed by the person in accordance with 314 CMR 5.14.

The first annual report required by this renewal of the permit shall be of an abbreviated format, covering only the period of May 1, 2016 through December 31, 2016. This first annual report shall be submitted to MassDEP on or before January 31, 2017. Thereafter annual reports shall be on calendar year basis and shall be submitted on or before January 31 of the following year.

## 3. SSDS Inspection Reporting Requirements

The SSDS inspection reports shall be properly completed and signed by a Certified Title 5 System Inspector and submitted within 30 days following the inspection.

#### 4. Reporting of Emergency Repairs

For emergency work, the Permittee shall report by telephone or fax to the Department, within 72 hours of an unscheduled pumping or inspection. The Permittee shall follow-up with a written description of the observed problem, the immediate response and mitigating action taken and the proposed long-term solution. This narrative shall be included in the quarterly report to the Department.

#### E. Nutrient Loading Limitations

The facility shall comply with the following nutrient loading limitations:

- (a) In accordance with the NLA Policy and the requirements of this permit, the **cumulative load of nitrogen** discharged on the site from wastewater and other sources shall not exceed **1,150 pounds per year of nitrogen** for the entire project.
- (b) The **nitrate-nitrogen concentration** in the composite sample of the down gradient property line monitoring wells shall not exceed **10 mg/l**.
- (c) Fertilizers having a **total nitrogen content** of no more than **4 pounds** may be applied to the ground at this property on a yearly basis.

In the event that the Department determines, based on an evaluation of the Annual Report or other information, that the nutrient loading assumptions have not been adhered to or otherwise achieved by the Permittee, the Department may require the Permittee to modify the permit in accordance with 314 CMR 2.10 and 314 CMR 5.12 and/or undertake the measures detailed below:

- (a) Install wastewater treatment technology to achieve an additional level of nutrient removal.
- (b) Reduce application of nutrients to the property.

#### F. Financial Conditions

1. The Permittee shall establish and maintain a financial security amount in the sum of at least \$60,000. This source of funding shall be used by the Permittee solely for the immediate replacement and/or repair of any failing SSDS. Such security shall be provided by means of an interest-bearing escrow account with a financial institution having a place of business in Massachusetts and be in a form satisfactory to the Department. The Permittee and/or its successors shall replenish and maintain the required dollar amount thereof in full within ninety days of any disbursement.

2. The Permittee shall submit an annual financial report, prepared in accordance with generally accepted accounting principles, to the Department on April 30<sup>th</sup> of each year. **The annual report shall be sent to MassDEP, Bureau of Water Resources, Wastewater Management Program, 205B Lowell Street, Wilmington, MA 01887.** This report shall, as a minimum, identify the initial and current balances of the security amount and confirm the continuing availability of the funds for the purposes described in the Permit.

#### **G. Supplemental Conditions**

1. The Permittee shall notify the Department prior to a transfer of ownership of the facility for which this permit is written. Said notification shall include a written agreement between the existing Permittee and the new Permittee(s) containing a specific date for transfer of permit, responsibility, coverage and liability between them.
2. A notification shall be submitted to the Department prior to any change of engineer or company contracted to obtain, test, and report on the monitoring well samples.
3. All sampling and monitoring shall be performed under the direction of a Massachusetts certified lab.
4. The Permittee shall notify the Department of any change in use of the facility that would increase flow to the treatment works and/or the SSDSs, or alter the characteristics of the waste conveyed.

#### **H. Appeal Rights**

During the thirty (30) day period following issuance of this permit, a Notice of Claim for an Adjudicatory Appeal may be sent by any person aggrieved (the “Petitioner”) by the issuance to:

Case Administrator  
Office of Appeals and Dispute Resolution  
Department of Environmental Protection  
One Winter Street/2nd Floor  
Boston, MA 02108

310 CMR 1.01(6)(b) requires the Notice of Claim to: include sufficient facts to demonstrate aggrieved person status; state the facts which are grounds for the appeal specifically, clearly and concisely; and, state relief sought. The permit shall become or remain effective at the end of the 30 day appeal period unless the person filing the Notice of Claim requests, and is granted, a stay of its terms and conditions. If a permit is modified under 314 CMR 2.10, only the modified terms and conditions may be subject to an Adjudicatory Appeal. All other aspects of the existing permit shall remain in effect during any such Adjudicatory Appeal.



Per 310 CMR 4.06, the hearing request to the Commonwealth will be dismissed if the filing fee is not paid. Unless the Petitioner is exempt or granted a waiver, a valid check payable to the Commonwealth to Massachusetts in the amount of \$100.00 must be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The filing fee is not required if the Petitioner is a city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority effective January 14, 1994, or any municipal housing authority; or, per MGL 161A s. 24, the Massachusetts Bay Transportation Authority. The Department may waive the adjudicatory hearing filing fee for a Petitioner who shows that paying the fee will create an undue financial hardship. A Petitioner seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

## II. GENERAL PERMIT CONDITIONS

The following conditions from 314 CMR 5.16 apply to all individual and general permits:

(1) No discharge authorized in the permit shall cause or contribute to a violation of the Massachusetts Surface Water Quality Standards (314 CMR 4.00) or any amendments thereto. Upon promulgation of any amended standard, this permit may be revised or amended in accordance with such standard and 314 CMR 2.10 and 3.13 or 5.12. Except as otherwise provided in 314 CMR 5.10 (3)(c), 310 CMR 5.10(4)(a)2 and 314 CMR 5.10(9), no discharge authorized in the permit shall impair the ability of the ground water to act as an actual or potential source of potable water. Evidence that a discharge impairs the ability of the ground water to act as an actual or potential source of potable water includes, without limitation, analysis of samples taken in a downgradient well that shows one or more exceedances of the applicable water quality based effluent limitations set forth in 314 CMR 5.10. In those cases where it is shown that a measured parameter exceeds the applicable water quality based effluent limitations set forth in 314 CMR 5.10 at the upgradient monitoring well, evidence that a discharge impairs the ability of the ground water to act as an actual or potential source of potable water is deemed to exist if a measured parameter in any downgradient well exceeds the level of that same measured parameter in the upgradient well for the same sampling period. . A statistical procedure approved by the Department shall be used in determining when a measured parameter exceeds the allowable level.

(2) Duty to comply. The permittee shall comply at all times with the terms and conditions of the permit, 314 CMR 5.00, M.G.L. c. 21, §§ 26 through 53 and all applicable state and federal statutes and regulations.

(3) Standards and prohibitions for toxic pollutants. The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Federal Act, 33 U.S.C § 1317(a), for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

(4) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and equipment installed or used to achieve compliance with the terms and conditions of the permit, and the regulations promulgated at 314 CMR 12.00 entitled “Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges, and 257 CMR 2.00, Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities”.

(5) Duty to halt or reduce activity. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored or an alternative method of treatment is provided. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(6) Power Failure. In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- (a) provide an alternative power source sufficient to operate the wastewater control facilities; or
- (b) halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

(7) Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any adverse impact on human health or the environment resulting from non-compliance with the permit.

(8) Duty to provide information. The permittee shall furnish to the Department within a reasonable time as specified by the Department any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine whether the permittee is complying with the terms and conditions of the permit.

(9) Inspection and entry. The permittee shall allow the Department or its authorized representatives to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records required by the permit are kept;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (c) Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit; and
- (d) Sample or monitor at reasonable times for the purpose of determining compliance with the terms and conditions of the permit.

(9A) The permittee shall physically secure the treatment works and monitoring wells and limit access to the treatment works and monitoring wells to those personnel required to operate, inspect and maintain the treatment works and to collect samples.

(9B) The permittee shall identify each monitoring well by permanently affixing to the steel protective casing of the well a tag with the identification number listed in the permit.

(10) Monitoring. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other test procedures are specified in the permit.

(11) Recordkeeping. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and all records of all data used to complete the application for the permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time. Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurements;
- (b) The individual(s) who performed the sampling or measurement;
- (c) The date(s) analyses were performed;
- (d) The individual(s) who performed the analyses;
- (e) The analytical techniques or methods used; and
- (f) The results of such analyses.

(12) Prohibition of bypassing. Except as provided in 314 CMR 5.16(13), bypassing is prohibited, and the Department may take enforcement action against a permittee for bypassing unless:

- (a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (c) The permittee submitted notice of the bypass to the Department:
  - 1. In the event of an anticipated bypass, at least ten days in advance, if possible; or
  - 2. In the event of an unanticipated bypass, as soon as the permittee has knowledge of the bypass and no later than 24 hours after its first occurrence.

(13) Bypass not exceeding limitations. The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if necessary for the performance of essential maintenance or to assure efficient operation of treatment facilities.

(14) Permit actions. The permit may be modified, suspended, or revoked for cause. The filing of a request by the permittee for a permit modification, reissuance, or termination, or a notification of planned changes or anticipated non-compliance does not stay any permit condition.

(15) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department in writing.

(16) Property rights. The permit does not convey any property rights of any sort or any exclusive privilege.

(17) Other laws. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, and local laws and regulations.

(18) Oil and hazardous substance liability. Nothing in the permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Federal Act, 33 U.S.C. § 1321, and M.G.L. c. 21E.

(19) Removed substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed in a manner consistent with applicable Federal and State laws and regulations including, but not limited to, the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53 and the Federal Act, , 33 U.S.C. § 1251 *et seq.*, the Massachusetts Hazardous Waste Management Act, M.G.L. c. 21C, and the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.*, 310 CMR 19.000 and 30.000, and other applicable regulations.

(20) Reporting requirements.

(a) Monitoring reports. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) at the intervals specified elsewhere in the permit. If the permittee monitors any pollutant more frequently than required by the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(b) Compliance schedules. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date.

(c) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility or activity which could significantly change the nature or increase the quantity of pollutants discharged. Unless and until the permit is modified, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.

(d) Anticipated non-compliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in non-compliance with permit requirements.

(e) 24 hour reporting. The permittee shall report any non-compliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance. The following shall be included as information which must be reported within 24 hours:

1. Any unanticipated bypass which exceeds any effluent limitation in the permit.
2. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(f) Other non-compliance. The permittee shall report all instances of non-compliance not reported under 314 CMR 5.16(20)(a), (b), or (e) at the time monitoring reports are submitted. The reports shall contain the information listed in 314 CMR 5.16(20)(e).

(g) Toxics. All manufacturing, commercial, mining, or silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant listed in 314 CMR 3.17 which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
  - a. 100 micrograms per liter (100 ug/l);
  - b. 200 micrograms per liter (200 ug/l) for acrolein and acrylonitrile; 500 micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - c. Five times the maximum concentration value reported for that pollutant in the permit application; or
2. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

(h) Indirect dischargers. All Publicly Owned Treatment Works shall provide adequate notice to the Department of the following:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to § 301 or 306 of the Federal Act, 33 U.S.C. § 1311 or 1316, if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

(i) Information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

(21) Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified in accordance with 314 CMR 3.15 and 5.14.

(22) Severability. The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

(23) Reopener clause. The Department reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53 or the Federal Act, 33 U.S.C. §1251 *et seq* in order to bring all discharges into compliance with said statutes.

(24) Approval of treatment works. All discharges and associated treatment works authorized herein shall be consistent with the terms and conditions of this permit. Any modification to the approved treatment works shall require written approval of the Department prior to the construction of the modification.

(25) Transfer of Permits.

(a) RCRA facilities. Any permit which authorizes the operation of a RCRA facility which is subject to the requirements of 314 CMR 8.07 shall be valid only for the person to whom it is issued and may not be transferred.

(b) Transfers by modification. Except as provided in 314 CMR 5.16(25)(a) and (c), a permit may be transferred by the permittee to a new owner or operator provided that the permit has been modified or revoked and reissued or a minor modification is made to identify the new permittee in accordance with 314 CMR 5.12(3) and (4).

(c) Automatic transfers. For facilities other than Privately Owned Wastewater Treatment Facilities (PWTFs) that treat at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, and/or assisted living facilities, PWTFs that have been required to establish financial assurance mechanism(s) pursuant to 314 CMR 5.15(6), and RCRA facilities subject to the requirements of 314 CMR 8.07, a permit may be automatically transferred in accordance with 314 CMR 5.12(5).

(26) Permit Compliance Fees and Inspection Information. Except as otherwise provided, any permittee required to obtain a surface water or ground water discharge permit pursuant to M.G.L. c. 21, § 43 and 314 CMR 3.00 and 5.00, shall be required to submit the annual compliance assurance fee established in accordance with M.G.L. c. 21A, § 18 and 310 CMR 4.00 as provided in 314 CMR 2.12. The requirement to submit the annual compliance fee does not apply to any local government unit other than an authority. Any permittee required to obtain a surface water or ground water discharge permit pursuant to M.G.L. c. 21, §43 and 314 CMR 3.00 and 5.00 may be required to submit inspection information annually as a condition of the permit as provided in 314 CMR 2.12.